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OFFICE OF PETITIONS

BROOKS, CAMERON & HUEBSCH, PLLC
1221 NICOLLET AVENUE
SUITE 500
MINNEAPOLIS MN 55403

In re Application of	:	
Goicoechea et al.	:	
Application No. 08/463,987	:	DECISION ON PETITION
Filed: June 5, 1995	:	PURSUANT TO 37 C.F.R.
Attorney Docket Number: 94-	:	\$ 1.137(B)
P0273US07	:	
Title: BIFURCATED ENDOLUMINAL	:	
PROSTHESIS	:	

This is a decision on the petition filed August 23, 2012, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. § 1.113 in a timely manner to the final Office action mailed May 24, 2011, which set a shortened statutory period for reply of three months. An amendment, a Request for Continued Examination, and the associated fee were each received on June 30, 2011, and a Notice of Improper Request for Continued Examination was mailed on February 2, 2012. No extensions of time under the provisions of 37 C.F.R. § 1.136(a) were available, and no further responses were received. Accordingly, the above-identified application became abandoned on August 25, 2011. A notice of abandonment was mailed on May 4, 2012.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

- (1) The reply required to the outstanding Office action or notice, unless previously filed;

- (2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
- (4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further indicated that a continuation application has been filed. Office records confirm that continuation application no. 13/601,916 was filed on August 31, 2012.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.¹

Since this application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of continuation application number 13/601,916.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.² All other inquiries concerning examination procedures should be directed to the Technology Center.



Paul Shanoski
Senior Attorney
Office of Petitions

¹ See 37 C.F.R. § 1.137(d).

² Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.